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6 *Lead Counsel for Indirect Purchaser Plaintiffs*

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13 IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

Master No.: 3:07-cv-05944-SC
 MDL No. 1917

14 This Document Relates to:

15 ALL INDIRECT-PURCHASER ACTIONS

16 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*
 17 Case No. 3:11-cv-05513

18 *Best Buy Co., Inc., et al. v. Technicolor SA, et al.,*
 19 Case No. 13-cv-05264

20 *Costco Wholesale Corporation v. Hitachi, Ltd., et*
al., No. 11-cv-06397

21 *Costco Wholesale Corporation v. Technicolor SA,*
 22 *et al., No. 13-cv-05723*

23 *Interbond Corp. of America v. Hitachi, Ltd., et al.,*
 Case No. 3:11-cv-06275

24 *Interbond Corp. of America v. Technicolor SA, et*
 25 *al., Case No. 3:13-cv-05727*

26 *Office Depot, Inc. v. Hitachi, Ltd., et al., Case No.*
 27 *3:11-cv-06276*

28 *Office Depot, Inc. v. Technicolor SA, et al., Case*

**DECLARATION OF MARIO N.
 ALIOTO IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION FOR
 PARTIAL SUMMARY
 JUDGMENT ON INDIRECT
 PURCHASER CLAIMS BASED
 ON FOREIGN SALES**

Date: February 6, 2015

Time: 10:00 a.m.

Place: Courtroom 1

The Honorable Samuel Conti

DECL. OF MARIO N. ALIOTO ISO PLAINTIFFS' OPPOS. TO DEFENDANTS' MOT. FOR PARTIAL
 SUMMARY JUDGMENT ON INDIRECT PURCHASER CLAIMS
 BASED ON FOREIGN SALES
 MASTER FILE NO. CV-07-5944-SC, MDL NO. 1917

1 No. 3:13-cv-05726

2 *Sears, Roebuck and Co., & Kmart Corp. v.*
3 *Chunghwa Picture Tubes, Ltd., et al.*, No. 11-cv-
4 05514-SC

5 *Sears, Roebuck and Co. and Kmart Corp. v.*
6 *Technicolor SA*, No. 3:13-cv-05262

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DECL. OF MARIO N. ALIOTO ISO PLAINTIFFS' OPPOS. TO DEFENDANTS' MOT. FOR PARTIAL
SUMMARY JUDGMENT ON INDIRECT PURCHASER CLAIMS
BASED ON FOREIGN SALES
MASTER FILE NO. CV-07-5944-SC, MDL NO. 1917

1 I, Mario N. Alioto, declare as follows:

2 I am an attorney duly licensed to practice in the State of California and before this
3 Court. I am Lead Counsel for the Indirect Purchaser Plaintiffs. I have personal knowledge
4 of the facts set forth herein, and could and would be competent to testify thereto if called
5 upon to do so.

6 1. Attached as **Exhibit 1** is a true and correct copy of the United States
7 Department of Justice Press Release entitled *Former Executive Indicted for His Role in*
8 *Two Cathode Ray Tube Price-Fixing Conspiracies*, dated February 10, 2009, which states:
9 “As Acting Assistant Attorney General in charge of the Antitrust Division Scott Hammond
10 stated: “This conspiracy harmed countless Americans who purchased computers and
11 televisions using cathode ray tubes sold at fixed prices.”

12 2. Attached as **Exhibit 2** is a true and correct copy of 
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16 3. Attached as **Exhibit 3** is a true and correct copy of April 15, 2014 Expert
17 Report of Janet S. Netz, Ph.D (hereafter “Netz Report”).

18 4. The cartel allegedly consisted of 14 defendant groups: Beijing Matsushita
19 Color CRT Company, Ltd. (“BMCC”); Chunghwa Picture Tubes Ltd. (“Chunghwa”);
20 Orion Electric Company (“Daewoo/Orion” or “OEC”), Hitachi Ltd., its related Hitachi
21 subsidiaries (“Hitachi”), IRICO, LG Electronics, Inc. (“LG”), Philips Display Components
22 (“Philips”), LG.Philips Displays (a CRT joint venture between LG and Philips known as
23 “LPD”), Toshiba Corporation and its related Toshiba subsidiaries; Matsushita Electric
24 Corporation and its related Matsushita subsidiaries; MT Picture Display Co., Ltd. (a CRT
25 joint venture between Toshiba and Matsushita known as “MTPD”); Samsung SDI Co. Ltd.
26 and its related subsidiaries; Samtel Color Ltd.; and Thai CRT Company, Ltd.).
27 Daewoo/Orion, LPD, and Thai CRT no longer exist. In addition, Thomson, Mitsubishi
28

1 and Videocon are named as defendants by certain DAPs and are named as co-conspirators
2 by the IPPs.

3 5. Attached as **Exhibit 4** is a true and correct copy of [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 6. Attached as **Exhibit 5** is a true and correct copy of an excerpt of the
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 7. Attached as **Exhibit 6** is a true and correct copy of [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 8. Attached as **Exhibits 7, 8 and 9** are true and correct copies of [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 9. Attached as **Exhibit 10** is a true and correct copy of an excerpt of the
26 [REDACTED]
27 [REDACTED]
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[REDACTED]

10. Attached as **Exhibit 11** is a true and correct copy of

[REDACTED].

11. Attached as **Exhibit 12** is a true and correct copy of

[REDACTED].

12. Attached as **Exhibit 13** is a true and correct copy of an excerpt of the

[REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

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1 13. Attached as **Exhibit 14** is a true and correct copy of [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
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7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 14. Attached as **Exhibit 15** is a true and correct copy of [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED].

16 15. Attached as **Exhibit 16** is a true and correct copy of [REDACTED]
17 [REDACTED]
18 [REDACTED].

19 16. Attached as **Exhibit 17** is a true and correct copy of excerpts of the
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
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1 [REDACTED] "MKA" stands for Matsushita
2 Kotobuki Electronic Industries of America, Inc., which had a television factory in
3 Vancouver, Washington that made Panasonic-branded televisions for the U.S. market.

4 19. Attached as **Exhibit 20** is a true and correct copy of an excerpt of the

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 20. Attached as **Exhibit 21** are true and correct copies of [REDACTED]

9 [REDACTED]
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13 [REDACTED]
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16 [REDACTED]).

17 21. Attached hereto as **Exhibit 22**, are true and correct copies of

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]).

22 22. Attached hereto as **Exhibit 23** is a true and correct copy of [REDACTED]

23 [REDACTED]
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25 which had a factory in Forest City, Arkansas. See
26 [http://www.arkansasbusiness.com/article/45104/sanyo-to-end-tv-production-at-forest-](http://www.arkansasbusiness.com/article/45104/sanyo-to-end-tv-production-at-forest-city-keep-hq-distribution)
27 [city-keep-hq-distribution](http://www.arkansasbusiness.com/article/45104/sanyo-to-end-tv-production-at-forest-city-keep-hq-distribution) (accessed December 17, 2014)).
28

1 23. Attached as **Exhibit 24** is a true and correct copy of [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 24. Attached as **Exhibit 25** is a true and correct copy of [REDACTED]

5 [REDACTED]

6 [REDACTED]

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11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 25. Attached as **Exhibit 26** is a true and correct copy of an excerpt of the

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 26. Attached as **Exhibit 27** is a true and correct copy of [REDACTED]

21 [REDACTED]

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23 [REDACTED]

24 27. Attached as **Exhibit 28** is a true and correct copy of an excerpt of the

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[REDACTED]

28. Attached as **Exhibit 29** is a true and correct copy of [REDACTED]

[REDACTED]

29. Attached as **Exhibit 30** is a true and correct copy of [REDACTED]

[REDACTED]

Attached as **Exhibit 31** is a true and correct copy of [REDACTED]

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31. Attached hereto as **Exhibit 32** is a true and correct copy of [REDACTED]

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32. Attached hereto as **Exhibit 33** is a true and correct copy of

33. Attached hereto as **Exhibit 34** is a true and correct copy of

34. Attached hereto as **Exhibit 35** is a true and correct copy of

35. Attached hereto as **Exhibit 36** is a true and correct copy of

36. Attached hereto as **Exhibit 37** is a true and correct copy of

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[REDACTED]

37. Attached hereto as **Exhibit 38** is a true and correct copy of [REDACTED]

[REDACTED]

38. Attached hereto as **Exhibit 39** is a true and correct copy of [REDACTED]

[REDACTED]

39. Attached as **Exhibit 40** is a true and correct copy of the [REDACTED]

[REDACTED]

40. Attached hereto as **Exhibit 41** is a true and correct copy of the [REDACTED]

[REDACTED]

41. Attached as **Exhibit 42** is a true and correct copy of [REDACTED]

[REDACTED]

1 [REDACTED] Attached as **Exhibit 43** is a true and correct copy of an excerpt of the
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

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23 43. Attached as **Exhibit 44** is a true and correct copy of an excerpt of the
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 44. Attached as **Exhibit 45** is a true and correct copy of [REDACTED]
28 [REDACTED]

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[REDACTED]

45. Attached hereto as **Exhibit 46** is a true and correct copy of the Samsung SDI Defendants' Supplemental Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories Nos. 4 and 5.

[REDACTED]

46. Attached as **Exhibit 47** is a true and correct copy of [REDACTED]

[REDACTED]

1 47. Attached as **Exhibit 48** is a true and correct copy of [REDACTED]

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7 48. Attached as **Exhibit 49** is a true and correct copy of [REDACTED]

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13 49. Attached hereto as **Exhibit 50** is a true and correct copy of [REDACTED]

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20 50. Attached as **Exhibit 51** is a true and correct copy of [REDACTED]

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25 51. Attached as **Exhibit 52** is a true and correct copy of [REDACTED]

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[REDACTED]

52. Attached as **Exhibit 53** is a true and correct copy of [REDACTED]

[REDACTED]

53. Attached as **Exhibit 54** is a true and correct copy of excerpts of the

[REDACTED]

54. Attached as **Exhibit 55** is a true and correct copy of [REDACTED]

[REDACTED]

55. Attached as **Exhibit 56** is a true and correct copy of [REDACTED]

[REDACTED]

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56. Attached as **Exhibit 57** is a true and correct copy of

57. Attached as **Exhibit 58** is a true and correct copy of

58. Attached as **Exhibit 59** is a true and correct copy of excerpts of the

59. Attached as **Exhibit 60** is a true and correct copy of

60. Attached as **Exhibit 61** is a true and correct copy of

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61. Attached as **Exhibit 62** is a true and correct copy of

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64. Attached as **Exhibit 65** is a true and correct copy of

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66. Attached as **Exhibit 67** is a true and correct copy of an excerpt of the

67. Attached as **Exhibit 68** is a true and correct copy of

68. Attached as **Exhibit 69** is a true and correct copy of

69. Attached as **Exhibit 70** is a true and correct copy of

1 74. Attached as **Exhibit 75** is a true and correct copy of [REDACTED]

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5 75. Attached as **Exhibit 76** is a true and correct copy of [REDACTED]

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10 76. Attached as **Exhibit 77** is a true and correct copy of [REDACTED]

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15 77. Attached as **Exhibit 78** is a true and correct copy of [REDACTED]

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19 78. Attached as **Exhibit 79** is a true and correct copy of [REDACTED]

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23 79. Attached as **Exhibit 80** is a true and correct copy of [REDACTED]

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26 80. Attached as **Exhibit 81** is a true and correct copy of excerpts of the

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 81. Attached as **Exhibit 82** is a true and correct copy of [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 82. [REDACTED]
11 [REDACTED]
12 Attached as **Exhibit 83** is a true and correct copy of [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 83. Attached as **Exhibit 84** is a true and correct copy of [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 84. Attached as **Exhibit 85** is a true and correct copy of [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 85. Attached as **Exhibit 86** is a true and correct copy of [REDACTED]
27 [REDACTED]
28 [REDACTED]

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[REDACTED]

86. Attached hereto as **Exhibit 87** is a true and correct copy of excerpts of the

[REDACTED]

87. Attached as **Exhibit 88** is a true and correct copy of excerpts of the

[REDACTED]

88. Attached as **Exhibit 89** is a true and correct copy of

[REDACTED]

89. Attached as **Exhibit 90** is a true and correct copy of

[REDACTED]

90. Attached as **Exhibit 91** is a true and correct copy of

[REDACTED]

1 91. Attached as **Exhibit 92** is a true and correct copy of [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 92. Attached as **Exhibit 93** is a true and correct copy of [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 93. Attached as **Exhibit 94** is a true and correct copy of [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 94. Attached as **Exhibit 95** is a true and correct copy of excerpts of the

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

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1 95. Attached as **Exhibits 96, 97 and 98** are true and correct copies of [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 96. Attached as **Exhibit 99** is a true and correct copy of excerpts of the

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 97. Attached as **Exhibit 100** is a true and correct copy of [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 98. Attached as **Exhibit 101** is a true and correct copy of [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 99. Attached as **Exhibit 102** is a true and correct copy of [REDACTED]

24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

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1 100. Attached as **Exhibit 103** are a true and correct copies of [REDACTED]

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9 101. Attached as **Exhibit 104** is a true and correct copy of [REDACTED]

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15 102. Attached hereto as **Exhibit 105** is a true and correct copy of [REDACTED]

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21 103. Attached as **Exhibit 106** is a true and correct copy of an excerpt of the

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25 104. Attached as **Exhibit 107** is a true and correct copy of [REDACTED]

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105. Attached as **Exhibit 108** is a true and correct copy of

106. Attached as **Exhibit 109** is a true and correct copy of

107. Attached as **Exhibit 110** is a true and correct copy of

108. Attached as **Exhibit 111** is a true and correct copy of

109. Attached as **Exhibit 112** is a true and correct copy of an excerpt of the

110. Attached as **Exhibit 113** is a true and correct copy of an excerpt of the

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111. Attached as **Exhibit 114** is a true and correct copy of an excerpt of the

112. Attached as **Exhibit 115** are true and correct copies of

113.

Attached as **Exhibit 116** is a true and correct copy of

114.

Attached as **Exhibit 117** is a true and correct
copy of

115.

Attached as **Exhibit 118** is a true and correct copy of

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[REDACTED]

Attached as **Exhibit 119** is a true and correct copy of an excerpt of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

117.

[REDACTED]

Attached as **Exhibit 120** is a true and correct copy of

118. Attached as **Exhibit 121** is a true and correct copy of an excerpt of the

[REDACTED]

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[REDACTED]

119. Attached as **Exhibit 122** is a true and correct copy of an excerpt of the

[REDACTED]

120. Attached as **Exhibit 123**, is a true and correct copy of excerpts of the

[REDACTED]

121. Attached as **Exhibit 124** is a true and correct copy of an excerpt of the

[REDACTED]

122. Attached as **Exhibit 125** is a true and correct copy of an excerpt of the

[REDACTED]

123. Attached hereto as **Exhibit 126** is a true and correct copy of

[REDACTED]

124. Attached as **Exhibit 127** is a true and correct copy of

[REDACTED]

1 125. Attached as **Exhibit 128** is a true and correct copy of [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 126. Attached as **Exhibit 129** is a true and correct copy of an excerpt of the [REDACTED]

9 [REDACTED]
10 [REDACTED]

11 127. Attached as **Exhibit 130** is a true and correct copy of an excerpt of the

12 [REDACTED]
13 [REDACTED]
14 [REDACTED].

15 128. Attached as **Exhibit 131** is a true and correct copy of [REDACTED]

16 [REDACTED]
17 [REDACTED].

18 129. Attached as **Exhibit 132** is a true and correct copy of [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED].

22 130. Attached as **Exhibit 133** is a true and correct copy of [REDACTED]

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 131. Attached as **Exhibit 134** is a true and correct copy of [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 132. Attached as **Exhibit 135** is a true and correct copy of [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 133. Attached as **Exhibit 136** is a true and correct copy of [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 134. Attached as **Exhibit 137** is a true and correct copy of [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 135. Attached as **Exhibit 138** is a true and correct copy of [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 136. Attached as **Exhibit 139** is a true and correct copy of [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 137. Attached as **Exhibit 140** is a true and correct copy of [REDACTED]
27 [REDACTED]
28 [REDACTED]

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[REDACTED]

138. Attached as **Exhibit 141** is a true and correct copy of [REDACTED]

[REDACTED]

139. Attached as **Exhibit 142** is a true and correct copy of [REDACTED]

[REDACTED]

140. Attached as **Exhibit 143** is a true and correct copy of [REDACTED]

[REDACTED]

141. Attached as **Exhibit 144** is a true and correct copy of [REDACTED]

[REDACTED]

142. Attached as **Exhibit 145** is a true and correct copy of [REDACTED]

[REDACTED]

143. Attached as **Exhibit 146** is a true and correct copy of "Repeal the FTAIA!
(Or at Least Consider It as Coextensive with *Hartford Fire*)," *CPI Antitrust Chronicle*
(Sept.2014), which is the article cited in *Motorola Mobility LLC v. AU Optronics Corp.*,
No. 14-8003, --- F.3d ----, 2014 WL 6678622, *10 (7th Cir. Nov. 26, 2014).

145. Attached as **Exhibit 148** is a true and correct copy of [REDACTED]

[REDACTED]

[REDACTED]

/s/ Mario N. Alioto
Mario N. Alioto